

REMARKS

Claims 17, and 21-36 are pending in the application. Claims 1-16 and 18-20 have been cancelled. New Claims 21-36 are added by the current amendment.

Claim Rejections – 35 U.S.C. § 102

Claims 17 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,824,096 to Pappas et al. (hereinafter "Pappas '096"). In rejecting Claim 17, the Examiner indicated that Pappas '096 discloses prosthetic knee 100 including femoral component 200, hinge post 207 and hinge post extension 302. Independent Claim 17 calls for a femoral component having a hinge post rotatably connected thereto, a hinge post extension extending from the hinge post, a tibial component including a hinge post extension aperture, whereby said hinge post extension is positioned within said hinge post extension aperture when the prosthetic knee is operably assembled, whereby *said hinge post is fully constrained by said tibial component, and against displacement in a direction perpendicular to a longitudinal axis of said hinge post extension*. "Hinge post" 207 of Pappas '096 is not *"fully constrained by said tibial component against displacement in a direction perpendicular to a longitudinal axis of said hinge post extension"*, as called for in Applicants' Claim 17. Contrary to the claimed arrangement, "hinge post" 207 of Pappas '096 is not constrained in any way by tibial component 500. Because Pappas '096 does not disclose a hinge post that is fully constrained by a tibial component, Applicants respectfully request withdrawal of the 35 U.S.C. § 102 rejection of Independent Claim 17.

Claims 18-20 have been cancelled without prejudice.

New Claims

New Claims 21-36 are added by the current amendment. New Claims 21-36 depend from Claim 17 and are patentable for at least the reasons advanced above with respect to Claim 17.

Double Patenting

Responsive to the Examiner's rejection of Claim 17 under the judicially created doctrine of obviousness-type double patenting, Applicants submit a Terminal Disclaimer as suggested by the Examiner.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,

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